

REMARKS

Claims 1-79 were previously cancelled (without prejudice). Claims 80 – 100 are pending. Claims 80-100 are presented for re-consideration in view of the new remarks to follow, as they were previously presented. No new amendment has been entered.

Examiner's Response to Applicants' Arguments

In the subject office action, the Examiner asserts that the invention claimed by the current pending claim "is not what applicant originally stated as being his invention". In response, Applicants respectfully remind the Examiner that what Applicants consider to be our invention are the subject matters disclosed in the Specification. For prosecution expedience, Applicants at one time have elected to pursue a reduced set of claims directed towards only selected aspects of the Applicants invention. However, that temporal election has never meant, and Applicants have never stated, other disclosed aspects are not considered to be Applicants' invention. The Examiner is attributing meaning to Applicants action that Applicants never convey.

Section 112, first paragraph rejection

It is well settled that section 112 first paragraph merely requires the disclosure to be enabling to one of ordinary skilled in the art, and a disclosure is consider enabling, so long, one of ordinary skilled in the art can practice the disclosed invention, without undue experimentation.

As previously noted, Applicants have disclosed at least in page 10 of the specification:

" ... the interchangeable covering 220 may be of any shape and size to cover all or portions of the exposed mobile phone 200, such as, but not limited to, an interchangeable

covering that covers only a portion of the exposed mobile phone 200. The interchangeable covering may cover only the face of the exposed mobile phone 200. Additionally, it may cover the sides of the exposed mobile phone or portions thereof. The interchangeable covering may also cover the back of the exposed mobile phone or portions thereof. Further, a mobile phone may not necessarily be an exposed mobile phone, but instead, may be a fully assembled mobile phone that includes coupling capabilities to incorporate the advantages of the present invention. In one embodiment, the interchangeable covering is a molded covering.”

Applicants submit the above disclosure is enabling to one of ordinary skill in the art to practice the invention as currently being claimed without undue experimentation. In support of Applicants submission, Applicants submit herewith a declaration by one Peter Zatloukal, a person of ordinary skill in the art, attesting to the fact he understands and in fact, has practiced the invention as claimed, without undue experimentation.

Accordingly, withdrawal of the rejection is respectfully requested.

Section 102(e) rejections

It is well settled that anticipation under 35 U.S.C. §102 requires the disclosure in a signal piece of prior art to teach **each and every** limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 USPQ2d 1017, 1019 (Fed. Cir. 1994). Thus, to anticipate the present invention, Gough must disclose every element recited in the pending claims.

Furthermore, anticipation requires that each claim element must be identical to a corresponding element in the applied reference. *Glaverbel Société Anonyme v. Northlake Mktg & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995).

Claim 80 clearly requires the limitation of “a cover body to mate with a body of an electronic apparatus, to partially cover a portion of a front surface of the body of the electronic apparatus not occupied by a display and a plurality of keys of the electronic apparatus”.

Wycherly's housing cover clearly covers all portions of the front surface not occupied by the display and the plurality of keys (see e.g.. Fig. 1).

Therefore, Wycherly clearly did not anticipate the invention as claimed.

Accordingly, claim 80 is clearly patentable over Wycherly under sec 102.

Claims 86 and 94 contain in substance the same limitation discussed above for claim 80. Accordingly, for at least the same reasons, claims 86 and 90 are clearly patentable over Wycherly under sec 102.

Claims 81-85, 87-89, 91-93,, and 95-99 are dependent on claims 80, 86 and 94 respectively, incorporating their limitations. Therefore, by virtue of at least the dependency, claims 81-85, 87-89, 91-93,, and 95-99are also patentable over the cited references.

Rejection under sec 103

Claims 90 and 100 were rejected under sec 103 as being unpatentable over Wycherly and Sylvan combined.

Claims 90 and 100 are dependent on claims 86 and 94 respectively, incorporating their limitations. Therefore, by virtue of at least the dependency, claims 90 and 100 are patentable over Wycherly.

Sylvan does not remedy the above discussed deficiency of Wycherly. Therefore, for at least the same reasons, claims 90 and 100 remain patentable over Wycherly, even when combined with Sylvan.

Conclusion

In view of the foregoing, claims 80-100 are in condition of allowance, and early issuance of Notice of Allowance are respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
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